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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 UNITED STATES OF AMERICA,)	CASE NO. CR 18-465 MMC
)	
19 Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	REGARDING TRANSFER OF MATERIALS
20 v.)	DESIGNATED UNDER THE PROTECTIVE
)	ORDER TO HONG KONG
21 UNITED MICROELECTONICS)	
22 CORPORATION, INC.; FUJIAN JINHUA)	
23 INTEGRATED CIRCUIT, CO., LTD.; CHEN)	
24 ZHENGKUN, a.k.a. STEPHEN CHEN; HE)	
25 JIANTING, a.k.a. J.T. HO; and WANG)	
YUNGMING, a.k.a. KENNY WANG.)	
)	
Defendants.)	

26 Pursuant to Paragraph 7(b) of the Protective Order (D.E. 79), the United States and defendants
27 Fujian Jinhua Integrated Circuit Co. ("Jinhua") and United Microelectronics Corporation, Inc. ("UMC")
28
STIPULATION REGARDING TRANSFER TO HONG KONG
CR 18-465 MMC

1 jointly request a temporary modification of the restrictions on transporting materials designated as
 2 Confidential Materials to Defense Counsel's offices in Hong Kong. The Protective Order allows a
 3 Receiving Party to transport Confidential Materials to Hong Kong. The Receiving Party, however,
 4 "may not transmit them electronically to or through any country other than the United States."
 5 Protective Order ¶ 7(b). This provision, therefore, requires that Defense Counsel physically transport
 6 secured copies of Confidential Materials to their offices in Hong Kong.

7 Given the difficulty of travel due to the ongoing Coronavirus pandemic, the United States,
 8 Jinhua, and UMC jointly request that the Court allow materials marked as Confidential Materials to be
 9 electronically transmitted to Hong Kong under the following conditions: (1) the transfer is conducted
 10 utilizing a secure virtual private network ("VPN") connection; (2) the electronic files are encrypted
 11 using a minimum of 128-bit encryption (separate from the encryption used for the VPN connection); (3)
 12 the password for the encrypted files is transmitted separately from the files, via a telephone call or
 13 encrypted email, and consists of at least 12 characters consisting of upper case, lower case, special
 14 characters, and numbers. Once the transfer is complete, the information may not be transmitted outside
 15 of Defense Counsels' secure network and may not be transmitted outside of Hong Kong. Such
 16 temporarily-permissible electronic transmittal to Hong Kong also includes Defense Counsel accessing,
 17 through a secure HTTPS/SSL Tunnel, materials marked as Confidential Materials securely stored on
 18 servers located in the United States. All other provisions in the protective order, including those
 19 regarding access to, storage, and handling of Confidential Materials in Hong Kong, remain in effect.

20 This agreement to allow the electronic transmittal of Confidential Materials to defense counsels'
 21 office in Hong Kong pursuant to the conditions above will remain in effect until August 31, 2020,
 22 subject to further agreement by the parties for further extensions of time.

23 SO STIPULATED AND AGREED

24 Dated: May 29, 2020

Respectfully Submitted,

25 DAVID L. ANDERSON
 26 United States Attorney

27 /s/ Nicholas O. Hunter
 28 LAURA VARTAIN HORN
 Assistant United States Attorneys

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Trial Attorney, National Security Division

/s/ Christine Wong
CHRISTINE WONG
Attorney for Defendant
Fujian Jinhua Integrated Circuit Co. Ltd.

/s/ Leslie Caldwell
LESLIE CALDWELL
Attorney for Defendant
United Microelectronics Corp., Inc.

~~PROPOSED~~ ORDER

Based upon the parties' stipulation and for good cause shown, the Court temporarily modifies the Protective Order (Dkt. No. 79) to allow for the transmission of materials designated as Confidential Materials to be electronically transmitted to Hong Kong pursuant to the following conditions: (1) the transfer is conducted utilizing a secure virtual private network ("VPN") connection; (2) the electronic files are encrypted using a minimum of 128-bit encryption (separate from the encryption used for the VPN connection); (3) the password for the encrypted files is transmitted separately from the files, via a telephone call or encrypted email, and consists of at least 12 characters consisting of upper case, lower case, special characters, and numbers. Once the transfer is complete, the information may not be transmitted outside of Defense Counsels' secure network and may not be transmitted outside of Hong Kong. Such temporarily-permissible electronic transmittal to Hong Kong also includes Defense Counsel accessing, through a secure HTTPS/SSL Tunnel, materials marked as Confidential Materials securely stored on servers located in the United States. All other provisions in the protective order, including those regarding access to, storage, and handling of Confidential Materials in Hong Kong, remain in effect.

This modification of the Protective Order will expire on August 31, 2020, subject to further agreement by the parties to extend the modification and an order from the Court.

IT IS SO ORDERED

DATED: June 1, 2020


HON. MAXINE M. CHESNEY
United States District Judge